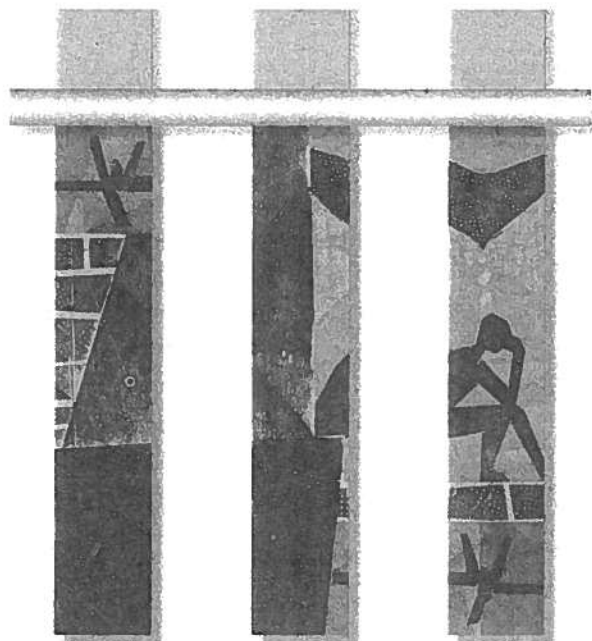




A PRAYER FOR MERCY:

**A PASTORAL LETTER BY THE
CATHOLIC BISHOPS OF MARYLAND**

DECEMBER 13, 2000



Church Teaching

A PRAYER FOR MERCY

In 1994, after a 33-year hiatus, Maryland returned to capital punishment as a response to violent crime. A second execution occurred in 1997 and a third in 1998. As the first Christmas of the new millennium approached, 14 convicted murderers occupied the state's death row, awaiting their turns. The Maryland-serving Catholic bishops chose this time to release A Prayer for Mercy in 2000, a pastoral message that reaffirms the bishops' strong opposition to the death penalty and encourages Catholics "to examine the issue in light of the fundamental moral issues it involves."

OUR DEAR BROTHERS AND SISTERS IN CHRIST,

We write to you as seekers for justice, who know that God's justice is seasoned by His mercy. We come to you under the banner of the King of Mercy, to encourage your embrace of an aspect of our Church's pro-life teaching that calls upon us to make His mercy our own.

In the Sermon on the Mount, Jesus taught that the heavenly reward of mercy shall be theirs who show mercy (Matthew 5:7), that we should love our enemies and pray for those who persecute us (5:43-44), and that we should avoid anger and passing judgment against others (5:22-26; 7:1-5). In his encounter with a woman about to be stoned for adultery, he refused to condemn, but spoke words of mercy and encouraged her to reform her life (John 8:1-10). When Christ himself was executed, he prayed for his enemies in his dying words: "Father, forgive them" (Luke 23:34). The apostle Paul repeated this message of forgiveness to the community of Rome, telling them to bless their persecutors, to repay injury with love, and to leave vengeance to God (Romans 12:14-21).

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(Matthew 5:7)

JUSTICE WITH MERCY

This teaching is directly applicable to the subject of this letter: Our continuing opposition to the death penalty, our hope that you will reflect with us on the matter, and our invitation to work with us to promote respect for human life ... all human life ... every human life, even the life of one who has committed the grievous sin of murder.

We know that for some, a justice-with-mercy ethic that avoids resort to the death penalty is not easily embraced. We pray that they will come to realize that we cannot defend life by taking life. We pray that they will come to view the death penalty as a further manifestation of the culture of death that haunts our country, as a contributor to that lethal culture.

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THE SCARS OF VIOLENCE

Sadly, ours is the most violent nation on earth not currently at war. Violence scars too many of our homes, invades our schools, threatens our streets, and is a dominant feature of our entertainment media. More ominously, our society and those whom we elect to govern us increasingly look to violence as a solution to some of our more significant social problems—to abortion as a response to difficult or unwanted pregnancies, to assisted suicide and euthanasia as antidotes to the pains of age and illness, to capital punishment as a reaction to violent crime. We say that a culture disposed to destroy its young, abandon its elders, and answer violence with violence is a culture in serious moral trouble.

Our own approach to the question of capital punishment is not the approach of jurists, or attorneys, or persons otherwise equipped to make definitive judgments in matters of criminal or constitutional law. Nor do we share with elected officials the responsibilities of making and administering the laws that govern crime and punishment. Rather, we come to the question as pastors, ordained for the purpose of ministering to the spiritual and temporal needs of our sisters and brothers in Christ.

As pastors, we have witnessed firsthand the terrible pain and sorrow that violence inflicts in our communities. We have presided at the funerals of police officers struck down in the line of duty, of children slain in wanton drive-by shootings and, yes, of our own clergy, fatally victimized by senseless brutality. We have heard the fears and frustrations of parents who worry unremittingly that their children might fall victim to the violence that regularly besets and deeply scars their neighborhoods. We have sought to console those who have lost loved ones to violence and face a long, sorrowful journey from mourning, through anger and despair, to a hoped-for measure of peace. Our Church must walk with those who know the awful consequences of violence.

We also approach the question of the death penalty as teachers, charged with responsibility to preach the Gospel of Jesus Christ and to impart to those in our Catholic community and to others of good will the teachings of our Church. It is in this role that we come to you now. We do so invoking God's abundant mercy, in the spirit of the Gospel of Life and its call for compassion and forgiveness.

EARLY TEACHINGS OF THE CHURCH

In the early centuries of the Church, our ancestors in faith faced the death penalty as victims, not executioners. Christians were seen as outsiders,

and dangerous ones at that; often and in great number, like their Lord before them, they were put to death unjustly. Over time, however, faced with the reality of the death penalty in the juridical practices of the time, Church teaching recognized the right of legitimate government to take a life in order to protect society. But in doing so, the Church made clear that the exercise of that right should be tempered, limited, and in strict accord with the criteria for just punishment. In conformity with those criteria, the Church insisted that executions should be visited only upon those who were truly guilty of serious crimes, that sentences should be proportional to the crimes for which they were meted out and not carried out in a vindictive spirit, and that the death penalty should be employed only where other means of protecting society and restoring the public order were not available. The Church was not so much endorsing a punishment considered normal by then-contemporary society as placing limitations on its exercise.

Today, Church teaching continues to recognize the right of legitimate government to resort to the death penalty, but it directly challenges the appropriateness of government's doing so in a society now capable of defending the public order and ensuring the public's safety. In this regard, the *Catechism of the Catholic Church* instructs that if non-lethal means are sufficient to defend and protect people's safety from an aggressor, then public authority should limit itself to such means, because they are more in keeping with the concrete conditions of the common good, and with the dignity of the human person. "Today," the *Catechism* says, "as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm—without definitively taking away from him the possibility of redeeming himself—the cases in which the execution of the offender is an absolute necessity 'are rare, if not practically non-existent.'" (*Catechism of the Catholic Church*, 2267)

THE TEACHINGS OF JOHN PAUL II

On the occasion of his 1998 Christmas Message, Pope John Paul II emphasized his conviction in the matter of the death penalty, praying that "Christians [might] help to strengthen and renew, throughout the world, the consensus concerning the need for urgent and adequate measures to . . . defend human life [and] end the death penalty . . ."

A month later, the Holy Father reemphasized that teaching: "There must be an end to the unnecessary recourse to the death penalty," he said. The Pope included the death penalty with abortion, euthanasia, and materialism's relegation of the poor to the margins of society as manifestations of "a model of society . . . in which the powerful predominate, setting aside and even eliminating the powerless This model of society bears the stamp of the culture of death," the Holy Father said, "and is therefore in opposition to the Gospel message. Faced with this distressing reality, the Church community intends to commit itself all the more to the defense of the culture of life." (*Post-Synodal Apostolic Exhortation Ecclesia in America*, January 1999)

Four days thereafter, he included a similar appeal in a St. Louis (Missouri) homily:

"The new evangelization calls for followers of Christ who are unconditionally pro-life—who will proclaim, celebrate and serve

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—Pope John Paul II, 1998

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the Gospel of Life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform. I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.”

Since 1993, our state has been the site of three executions, and 14 convicted murderers now wait their turn on Maryland’s death row. So it is in other states. Last year, there were 98 executions nationwide; so far during this Jubilee Year of 2000, there have been 86. Today, the nation’s death-row population exceeds 3,625. And yet there are signs, clear signs, that civil society is taking a new look at capital punishment.

Increasingly across recent years, persons convicted of murder have been freed from death row following the discovery of exculpatory evidence. A recent Columbia University study showed that nationwide, 70 percent of reviewed capital cases were tainted by reversible error. Faced with these realities, public officials who support capital punishment have begun to join the ranks of those who question whether the ultimate penalty can ever fairly be exercised. Earlier this year, for example, the governor of Illinois, himself a death-penalty proponent, inaugurated a moratorium on executions for an indefinite period. The move was prompted by the exoneration of 13 Illinois death-row inmates since 1977—one more than the number actually executed in that state during the same period.

Others at the state level have followed the Illinois governor’s lead, among them our own governor, who in June of this year saw fit to commute a death sentence to life without the possibility of parole. Despite his avowed support for the death penalty, the governor was not convinced absolutely that the person whose execution date had been set was guilty of the crime of which he stood convicted. In state legislatures, Maryland’s and others across the country, significantly increased efforts are underway to limit the scope of death-penalty statutes, or to repeal them.

Doubts about the death penalty have spurred developments at the national level as well. Earlier this month, President Clinton stayed what would have been the first federal execution since 1963. For its part, Congress considered bills designed to institute a seven-year moratorium on executions, giving death-row inmates the chance to explore potentially exculpatory evidence; to inform juries of alternative sentencing options; to establish defense counsel competency requirements; and to prevent the federal government from seeking the death penalty in non-death-penalty states.

CHANGING PUBLIC OPINION

Not surprisingly, changing attitudes among public officials mirror a change in the general population. According to the results of a recent Gallup poll, public support for the death penalty is at its lowest point in 17 years—at 66 percent, it has dropped 14 percentage points in just six years. What is more, only 52 percent support the death penalty if, as has been the case in Maryland since 1987, there is an existing law allowing life imprisonment without the possibility of parole. Ninety-one percent of all poll respondents

(a one-year increase of 11 percent) said they believe innocent people have been sentenced to death.

These dramatic recent manifestations of civil society's growing skepticism about the death penalty are encouraging. But in the end, efforts that focus exclusively on the legal problems associated with capital punishment—efforts that seek merely to “fix” the death-penalty system by rendering it free from bias, or inequality, or human error—are insufficient to the need. For when all the legalistic overhauling is done, the fundamental moral question remains: Are we, God's people, permitted to take the life of one of our own, one of God's own? The teachings of our Church, applied to our time and place, tell us that when other punishment options are available to government, we should not resort to the death penalty, not even in the case of one who takes the life of another human being and, by doing so, denies not only his own and his victim's human dignity, but God's dominion, as well.

In light of this teaching and consistent with it, we urge our governor to exercise his authority to commute death sentences, imposing in their stead sentences of long-term imprisonment, including the sentence of life without the possibility of parole. We urge public prosecutors to seek sentences other than the death penalty in capital cases. We urge state lawmakers to enact legislation that will lead to the abolition of Maryland's death penalty.

We also urge you, the Catholic faithful of Maryland, to associate yourselves with legislative and other actions that will lead to the abolition of our state's death penalty. We urge families and parish leaders to study, discuss, and become as actively involved as possible in the effort to abolish Maryland's death penalty. And we urge adult-education and secondary-education programs to utilize the death-penalty materials that have been developed by our Maryland Catholic Conference.

PRAY WITH US

Finally, our dear brothers and sisters in Christ, we invite you to pray with us for an end to the violence that tears at the fabric of our society and wreaks such terrible sadness in our communities. Pray with us for an end to violence of the spirit, the psychological and emotional violence that is done when people are disparaged on the basis of race, or gender, or handicapping condition, or age, or when discrimination denies them their fundamental human rights. Pray with us for an end to physical violence, which ends the lives and breaks the bodies of so many in the human family and which so often is directed against those who are utterly defenseless.

Pray with us for those who fall victim to violence and those who are its secondary victims—the families and friends of victims and survivors, to be sure, but also all of us, for violence touches and violates us all. Pray, too, for those who cause violence—that they may come to know in their minds and hearts how grievously their actions offend their communities, how grievously their actions offend God; that they may forever reject violence in all its forms and never cause injury to another of God's children; and that they may seek forgiveness for their sins of violence and thereby open themselves to God's redeeming love. Pray with us also for those in positions of public authority, that they may resist the allure of death as an over-simplified solution to public problems, that they may come to understand that by adopting a justice-with-mercy ethic they contribute to the promotion of a culture of life and nonviolence.

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We are convinced that the use or threat of capital punishment in Maryland in our time will continue the erosion of respect for life in our society. We reaffirm our strong opposition to the death penalty and we exhort Catholics, other Christians, and all people of good will to examine the issue in light of the fundamental moral issues it involves. As we do so, we place our opposition to the death penalty in the framework of a consistent ethic of life, which gives witness to the sacredness and value of every human life from conception until natural death.

We conclude as we began, with a petition for mercy. As we prepare in this holy Advent season for Christ's coming, let us open our hearts and minds to the assurance of Our Lord's mercy, as it was conveyed to us through the first saint of the new millennium, St. Faustina: "Before I come as the just Judge, I am coming as the King of Mercy. My Mercy is so great that no mind, be it of man or angel, will be able to fathom it throughout all eternity." Our Lord invites us to receive His inexhaustible compassion and mercy, and to let it flow through us to others. We pray His invitation will be accepted.

Sincerely yours in Christ,

His Eminence William Cardinal Keeler

Most Rev. William E. Lori

His Eminence James Cardinal Hickey

Most Rev. William C. Newman

Most Rev. Michael A. Saltarelli

Most Rev. Leonard J. Olivier

Most Rev. Gordon D. Bennett, S. J.

December 13, 2000